

REMARKS

Claims 1-34 are pending in the subject application. After entry of the above amendment to the claims, claims 9, 12-14 and 31 have been cancelled and claims 1-3, 6, 7, 8, 10, 11, 15, 16, 17, 18, 24-26, 30 and 32 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

1. *Claims 1-6, 8 and 13-23 stand rejected under 35 U.S.C. § 112, first paragraph.*

The claims have been amended in response thereto.

2. *Claims 1-5, 7, 10-16 and 18-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coleman (U.S. 5,370,884) in view of Donsky (U.S. 6,120,202) and Baker (WO 00/19803), further in view of PhiladelphiaCityPaper.net, [www.topps.com/Confectionary/BabyBottlePop/\(2001\)](http://www.topps.com/Confectionary/BabyBottlePop/(2001)), [www.toppscanada.com/Confectionary\(2000\)](http://www.toppscanada.com/Confectionary(2000)), further in view of Gallart et al. (U.S. 6,187,350), Schlotter et al. (U.S. 4,914,748) and Silverstein (U.S. 6,136,352). This rejection is respectfully traversed.*

Coleman, 884 discloses a sucker 8 connected to a candy sucker holder 18. The sucker 8 is located external to the reservoir section 10.

Donsky discloses a nail polish applicator bottle including two applicators means 4a, 4b to be received within dual chambers A, B. This reference is non-analogous art, and does not relate to an article including at least one candy sucker and at least one edible food product. Furthermore, the two applicator means 4a, 4b are connected to the cap 3 as a single unit unlike the claimed combination where the at least one candy sucker is a separate article (i.e. not connected to the container and/or closure (lid)).

Baker discloses one embodiment (Figure 14) including a cylinder 80 and a finite length hollow tube section 82 for receiving a lower end of brush 10. This embodiment does not include a lid. Further, Baker discloses embodiments (Figures 15, 16, 17) including a coatable utensil and a container having a lid. It is important to note that the containers of Figures 15-17 are provided with a single compartment which accepts both the coatable utensil and a powder candy substance in the same compartment.

Philadelphiacitypaper.net discloses the Baby Bottle Pop as a miniature baby bottle filled with a fruity powder and topped with a screw-off candy nipple. The candy nipple is connected to the screw-off cap and located external of the bottle when assembled. Further, the bottle is a single compartment bottle.

Topps.com discloses a candy juice baby bottle pop candy with a candy nipple connected to the cap and located external of the container. Further, the container is a single compartment container.

Toppscanada.com discloses a baby bottle pop with a candy nipple connected to the cap and located external of the container. The container is a single compartment container.

Gallart *et al.* discloses a combination confectionary product including a plastic container 10 and a candy product 13. The candy product 13 is stored within plastic cap 20 and is connected to the container 10 shown in Figure 3. Both the container 10 and cap 20 form a single compartment type container when assembled.

Schlotter IV, *et al.* discloses a novelty flashlight and a piece of candy for illumination including candy 26 stored within a protective covering 27. The candy 26 is connected to the housing 10 of the flashlight and the covering 27 is a single compartment.

Silverstein *et al.* discloses a novelty candy product including a barrel 10, candy portion 15 and cap member 26. The barrel 10 is provided with a single compartment and the candy portion 15 is connected thereto by disk shaped valve member 19.

The claims have been amended to cover embodiments have multiple compartments, in particular to embodiments of the type shown in Figures 7 to 11. In these embodiments, the candy sucker is a separate component from the container or closure (lid). Further, the candy sucker is preferably stored within one of the compartments of the container.

Coleman, 884 and Baker disclose candy containers having multiple compartments. However, with regards to Coleman, the candy sucker is connected to the lid and stored external

to the container. Regarding Baker, in one embodiment Baker discloses multiple compartments (Figure 14), however, with no lid, and in other embodiments discloses a container with a single compartment for accommodating a candy piece in combination with candy powder (Figures 15, 16, 17). These references alone or in combination do not teach or suggest the claimed combination including an internally stored separate candy sucker and a multiple compartment container having a closure (lid) containing at least one edible product.

3. Claims 6, 8, 9 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Coleman et al. (U.S. 5,690,535) Parr (D 117455), Parr (D 117456), Kennedy (U.S. 2,464,515), Overland (U.S. 2,500,006) and Ferguson (U.S. 2,834,685) for the reason given in the Office Action mailed 4/23/04. This rejection is respectfully traversed.

Coleman et al. has been discussed above with regards to the rejection of claim 1, and Parr, 455, Parr, 456, Kennedy, Overland and Ferguson are not relevant since these references only relate to a confectionary product having multiple confections, and add nothing relevant to the claimed combination including an internally stored separate candy sucker and a multiple compartment container containing at least one edible product.

4. Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claim 24 above and further in view of Coleman et al., 535, Parr, 455, Parr, 456, Kennedy, Overland and Ferguson.

Coleman *et al.* has been discussed above with regards to the rejection of claim 1, and Parr, 455, Parr, 456, Kennedy, Overland and Ferguson are not relevant since these references only relate to a confectionary product having multiple confections, and add nothing relevant to the claimed combination including an internally stored separate candy sucker and a multiple compartment container containing at least one edible product.

5. Claims 1,3-5, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Philadelphiacitypaper.net, Topps.com and Toppscanada.com. This rejection is respectfully traversed.

These references do not teach or suggest the claimed combination including an internally stored separate candy sucker and a multiple compartment container containing at least one edible product. Specifically the baby bottle pop disclosed in these references is only a single compartment container, and the candy nipple is connected or attached to the bottle cap external to the container compartment.

In view of the above amendment and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

It is not believed that extensions of time are required beyond those that my otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are necessary and hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-1243.

Respectfully submitted,

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